

# JUDGE BUCHWALD

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE COMMISSION,

*Plaintiff,*

-v.-

OLEKSANDR DOROZHKO

*Defendant,*

Case No.

07 CIV 9606

## DECLARATION OF PAUL A. GUMAGAY

I, PAUL A. GUMAGAY, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am a Senior Counsel in the Division of Enforcement of Plaintiff United States Securities and Exchange Commission ("SEC") in Washington, D.C. I am a member of the bar of the State of New York and a member of this Court. I make this declaration in support of the SEC's Emergency Application For A Temporary Restraining Order, An Order Freezing Assets And Granting Other Relief, And An Order To Show Cause Why A Preliminary Injunction Should Not Issue. This declaration is based on documents obtained by the SEC staff from various sources.

2. Attached as Exhibit A is a true and correct copy of a print-out from Bloomberg L.P., showing the opening and closing prices of IMS Health Incorporated (NYSE stock symbol: RX) for the period September 28, 2007 through October 19, 2007.

3. Attached as Exhibit B is a true and correct copy of Passport No. EC565300 issued to Oleksandr Dorozhko ("Dorozhko") by Ukraine on May 23, 2006, obtained by the SEC staff from Interactive Brokers LLC ("Interactive Brokers").

4. Attached as Exhibit C is a true and correct copy of the “Account Information For Oleksandr Dorozhko” provided to the SEC staff by Interactive Brokers relating to account U412281.

5. Attached as Exhibit D is a true and correct copy of the “Account Summary For Oleksandr Dorozhko” reflecting a single deposit of \$42,500 (USD) received by wire from Deutsche Bank Trust on October 4, 2007.

6. Attached as Exhibit E is a true and correct copy of a one-page document obtained from Interactive Brokers showing “Cashier Entry” and “Bank Activity” in account U412281 on October 4, 2007.

7. Attached as Exhibit F is a true and correct copy of a six-page “Activity Statement for October 17, 2007” for Dorozhko obtained from Interactive Brokers. I examined Exhibit F and extracted the trade activities in the put option contracts for the common stock of IMS Health. Based on this examination, I noted that, on October 17, 2007, Dorozhko purchased 300 put options (RX Oct '07 @ 25 Put) at a purchase price of \$3,214.90 and 330 put options (RX Oct '07 @ 30 Put) at a purchase price of \$38,456.

8. Attached as Exhibit G is a true a correct copy of a news article from Bloomberg captioned, “IMS Health Announces 12 Percent Revenue Growth In Third Quarter.”

9. Attached as Exhibit H is a true and correct copy of a news article from Bloomberg captioned, “DJ IMS Health 3Q Net Falls 18% >RX.”

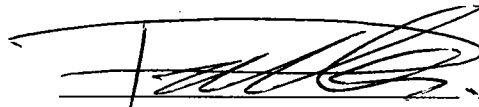
10. Attached as Exhibit I is a true and correct copy of a nine-page “Activity Statement for October 18, 2007” for Dorozhko obtained from Interactive Brokers. I examined Exhibit G and extracted the trade activities in the put option contracts for the

common stock of RX. Based on this examination, I noted that, on October 18, 2007, Dorozhko sold all 630 put options (RX Oct '07 @ 25 Put and RX Oct '07 @ 30 Put) that he had purchased on October 17, 2007, at a profit of \$286,456.59.

11. Attached as Exhibit J is a true and correct copy of a nine-page document that appears to show transcripts of online chats between Dorozhko and representatives of Interactive Brokers on October 19, 2007 and October 22, 2007.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 10/29/07

A handwritten signature in dark ink, appearing to read 'Paul A. Gumagay', written over a horizontal line.

Paul A. Gumagay